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(HL)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/163,259	09/29/98	ADAMS	F 4167-13

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PM92/0901

EXAMINER

MCALLISTER, S

ART UNIT	PAPER NUMBER
3652	12

DATE MAILED: 09/01/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 09/163,259	Applicant(s) Adams et al
Examiner Steven B. McAllister	Group Art Unit 3652

Responsive to communication(s) filed on \_\_\_\_\_.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) 7 and 9-18 is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-6 and 8 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 5, 9

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election without traverse of Species 1, drawn to Fig. 2, on which claims 1-6 and 8 read, in Paper No. 11 is acknowledged.

### ***Drawings***

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

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and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Esk. et al (EP 0710618) in view of Muller et al.

Esk. et al disclose a hoistway (col. 2, lines 58-9); an elevator car 1; a counterweight 2; a drive motor 6 between the elevator car and side wall which couples the car and counterweight via the rope 3. Esk. et al do not disclose a flat drive rope. Muller et al disclose a flat drive rope 3 comprising a belt (col. 3, lines 23-25). It would have been obvious to one of ordinary skill in the art to modify the rope of Esk. et al by using a belt in order to reduce noise in the drive system.

5. Claims 2-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esk. et al in view of Muller et al as applied to claim 1 above, and further in view of Olsen.

In addition to all elements of claim 1, Esk. et al in view of Muller et al disclose first and second columns 11, 11a; and a support member between them 20. Esk. et al in view of Muller et al do not disclose that the columns are on opposite side of the hoistway. Olsen disclose columns 28 on opposite sides of the hoistway. It would have been obvious to one of ordinary skill in the art to further modify the columns of Esk. et al by moving them to opposite sides of the shaft as taught by Olsen in order to facilitate use of the columns for guide both the elevator car and counterweight.

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As to claim 3, Esk. et al disclose a counterweight 2 below the drive sheave 7 and between the car 1 and the wall.

As to claims 4 and 5, Esk. et al disclose counterweight sheave 9 on top of the counterweight and two elevator sheaves 4 under the elevator, the elevator rope having both ends 13, 14 terminated in the top portion of the hoistway, the rope extending down from the first end 13, looping the counterweight sheave, going up and looping the drive sheave 7, going down under the car and looping each car sheave and terminating at the second end 14.

As to claim 6, Esk. et al disclose the first end 13 terminated to the support member 20 (see Fig. 1).

As to claim 8, Olsen discloses that the first and second columns have first and second vertical guide members 36 corresponding to the path of the elevator; and that the elevator has opposing surfaces 35 shaped to be moveably engageable with the elevator guide surfaces.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lane shows vertical columns with guide structure for an elevator.
- b. Schroder-Brumloop shows the use of belts to drive an elevator.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

*St. B. McAllister*  
Steven B. McAllister

August 30, 1999

*Robert P. Olszewski 8/30/99*  
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